

REMARKS

Claims 1 to 21 are pending.

Entry of the amendments and reconsideration of the application are respectfully requested.

The Information Disclosure Statement (IDS) dated 09/18/2006 failed to comply with 37 CFR 1.98(a) (2) as stated in the Office Action. An IDS submission accompanies Applicants' response providing copies of the foreign references to comply with 37 CFR 1.98(a) (2).

§ 102 Rejections

Claims 1, 3-12, 14-15, and 18 are rejected under 35 USC § 102(b) as being anticipated by U.S. 6,369,934 (Bechinger et al.). Applicants submit that pending claims 1, 3-12, and 14-15 are novel over this reference.

Claim 1 provides an electrochemical display device capable of irreversibly switching from a first indicating state to a second indicating state. The electrochemical display device comprises a substrate having an electrically insulating surface, a first electrode located on at least a part of the surface of the substrate, a second electrode, and an electrolytic liquid arranged between and in electrical contact with the first and second electrodes. At least a part of the substrate is light transmissive such that the transmissivity of the combination of the substrate and the first electrode is less than that of the substrate. Upon application of an electrical voltage to the first and second electrodes of the device, the material of the first electrode dissolves into the electrolytic liquid exposing at least a portion of the substrate and switching from the first indicating state to the second indicating state.

Bechinger discloses a photoelectrochemical-electrochromonic device having a first transparent electrode and a second transparent electrode in a parallel, spaced relationship to each other such that the electrodes are in electrical contact with one another. An electrochromic material is applied to the first transparent electrode and a semiconductor coating is applied to the second transparent electrode. An electrolyte layer having a redox couple is in contact with the electrochromic material and the semiconductor coating. Upon the application of light to the device, the semiconductor coating absorbs the light and the redox couple of the electrolyte layer oxidizes

producing an electrical field across the device modulating the effective light transmittance through the device (col. 3, line 59 – col. 4, line 11 of Bechinger).

In the Office Action, the Examiner has asserted that Bechinger discloses an electrochemical display device capable of irreversibly switching from a first indicating state to a second indicating state. Unlike the present invention, Bechinger does not teach an electrochemical display device capable of irreversibly switching from a first indicating state to a second indicating state upon the application of an electrical voltage by dissolving the first electrode in the electrolyte liquid. The dissolution of the first electrode of the present invention prevents the flow of electrical current in the device. Bechinger does not describe exposing at least a portion of the substrate of the electrochemical display device after dissolution of the first electrode from the substrate as described in independent claim 1. Bechinger's teaching is limited to a self-powered electrochromic device which modulates the transmittance of incoming light through a window without the need for an external power source or dissolution of materials to prevent the flow of electrical current.

Rather, Bechinger teaches a reversibly switching device having a semiconductor coating that absorbs light and oxidizes the redox couple of the electrolyte layer producing an electrical field across the device thus varying the effective light transmittance through the device. The electrochromic material of Bechinger takes on and loses color in response to the electric field or current provided adjacent to the electrochromic material as described in col. 6, lines 2-6. Figure 5 of Bechinger illustrates a device capable of being switched on and off upon exposure to light (percent transmittance) to generate an electrical current, and thus effecting a change in the electrochromic material transitioning from an opaque to a transparent state. The electrochromic materials of Bechinger do not dissolve in an electrolyte liquid, as described in the present invention, to prevent the flow of electrical current in a device nor do the electrochromic materials change the transmissivity of the substrate upon removal of the electrode from the substrate.

For at least the foregoing reasons, Bechinger does not disclose each and every feature of the present invention, and the rejection of claims 1, 3-12, 14-15, and 18 under 35 USC § 102(b) as being anticipated by Bechinger should now be withdrawn.

§ 103 Rejections

Claims 2, 13 and 16-17 are rejected under 35 USC § 103(a) as being unpatentable over U.S. 6,369,934 (Bechinger et al.). Pending claims 2, 13 and 16-17 are dependent on independent claim 1. For the reasons set forth above, independent claim 1 is patentable. Consequently, dependent claims 2, 13 and 16-17 are also patentable.

Bechinger has been described earlier. Bechinger does not teach nor suggest all of the claim limitations of the present invention. Bechinger does not overcome the fundamental lack of a prima facie case of obviousness. Applicants submit that the rejection of claims 2, 13 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Bechinger has been overcome and should be withdrawn.

Claim 19 is rejected under 35 USC § 103(a) as being unpatentable over U.S. 6,369,934 (Bechinger et al.) in view of U.S. 6,795,226 (Agrawal et al.). Pending claim 19 is dependent on independent claim 1.

Bechinger has been described above. The addition of Agrawal does not overcome the deficiencies of Bechinger (i.e., Bechinger doesn't teach nor suggest all of the claim limitations of the present invention). Agrawal describes a transparent chromogenic assembly having an electrochromic layer. Each of the facing transparent substrates of the chromogenic assembly of Agrawal is covered with a conductive layer divided into individual energizeable areas with a set of bus bars. Bechinger in view of Agrawal does not overcome the fundamental lack of a prima facie case of obviousness. Applicants request that the rejection of claim 19 under 35 USC § 103(a) as being unpatentable over Bechinger in view of Agrawal be withdrawn.

Claims 20-21 are rejected under 35 USC § 103(a) as being unpatentable over U.S. 6,369,934 (Bechinger et al.) in view of U.S. 4,253,742 (Morita et al.). Pending claims 20-21 are dependent on independent claim 1.

Bechinger has been described earlier. The addition of Morita does not overcome the deficiencies of Bechinger (i.e., Bechinger doesn't teach nor suggest all of the claim limitations of the present invention). Morita describes an electrochromic display cell comprising an electrochromic layer. Bechinger in view of Morita does not overcome the fundamental lack of a

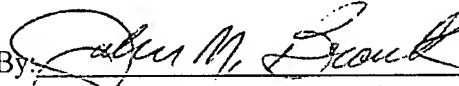
prima facie case of obviousness. Reconsideration and withdrawal of the rejection of dependent claims 20-21 under 35 USC § 103(a) is now requested.

CONCLUSION

In view of the above, it is respectfully submitted that pending claims 1-21 are in condition for allowance. If any issues or questions remain, the resolution of which the Examiner feels would be advanced by a conference with the Applicant's agent, the Examiner is invited to contact the agent at the telephone number noted below.

Respectfully submitted,

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Date

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